



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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FEB 27 2002

Paper No.

TECH CENTER 1600/2900



**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment filed on 10/16/01 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see *65 Fed. Reg. 54603*, Sept. 8, 2000, and *1238 O.G. 77*, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☒ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☐ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: **The inserts must be in paragraph form.**

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. **A condensed version of a sample amendment format is attached.**

- ☒ **PRELIMINARY AMENDMENT:** Unless applicant **supplies the omission or correction** to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to **supply the omission or correction noted above** in order to **avoid abandonment**. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

GOIGA N. DUCKETT  
(703)308-9453



02-20-02

1642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 97,150-C)

In application of:

PATENT

Fruehauf

Serial No. 09/982,286

Filed: October 16, 2001

For: Methods for Cancer Prognosis  
and Diagnosis

Before the Examiner:  
J. Burke

Group Art Unit: 1642

TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

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Sir:

FEB 27 2002

In regard to the above identified application:

TECH CENTER 1600/2900

1. We are transmitting herewith the attached

Response to Notice of Non-Compliant Amendment

2. No additional fee is required.
3. Please charge the full amount of any required fee or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.
5. CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 herein above, are being sent via U.S. Postal Service as Express Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on this 19<sup>th</sup> day of February 2002.

By:

Kevin E. Noonan, Ph.D.  
Reg No. 35,303